



04-05-04

3754



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ATTORNEYS AND COUNSELORS AT LAW  
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April 2, 2004

**EXPRESS MAIL RECEIPT NO.: EV085806735US**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: United States Patent Application No.: 09/801,023  
HYDRAULIC PROPORTIONING SYSTEM  
Filing Date: March 7, 2001  
Docket No.: P1043US01 (26745-00035)

Dear Commissioner:

Enclosed, please find the following documents for filing:

1. Amendment Transmittal Letter (1 page);
2. Response to Second Action Species/Restriction/Election Requirement mailed March 4, 2004 (2 pages); and
3. An acknowledgment postcard.

No fee is believed to be associated with this filing. However, in the event of a fee deficiency, you are hereby authorized to charge our deposit account no.: 13-0110. Please reference our docket no.: P1043US01. Should you have any questions, please do not hesitate to contact me.

Sincerely,

David M. Sullivan  
For the Firm


DMS/jkw  
Enclosures  
cc: Bio-Cide International, Inc.

1343127.1

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|  |                                     |   |                                |                                |                   |
|--|-------------------------------------|---|--------------------------------|--------------------------------|-------------------|
| <b>AMENDMENT TRANSMITTAL LETTER (Small Entity)</b>   |                                     |   |                                | Docket No.<br><b>P1043US01</b> |                   |
| Applicant(s): <b>William C. Hunt</b>   |                                     |   |                                |                                |                   |
| Serial No.<br><b>09/801,025</b>  | Filing Date<br><b>03/07/01</b>      | Examiner<br><b>Buechner, Patrick M.</b> |                                | Group Art Unit<br><b>3754</b>  |                   |
| Invention: <b>HYDRAULIC PROPORTIONING SYSTEM</b>   |                                     |   |                                |                                |                   |
| <u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u>  |                                     |   |                                |                                |                   |
| Transmitted herewith is an amendment in the above-identified application.  |                                     |   |                                |                                |                   |
| <input type="checkbox"/> Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.  |                                     |   |                                |                                |                   |
| <input type="checkbox"/> A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.   |                                     |   |                                |                                |                   |
| The fee has been calculated and is transmitted as shown below.   |                                     |   |                                |                                |                   |
| <b>CLAIMS AS AMENDED</b>   |                                     |   |                                |                                |                   |
|  | CLAIMS REMAINING<br>AFTER AMENDMENT | HIGHEST #<br>PREV. PAID FOR             | NUMBER EXTRA<br>CLAIMS PRESENT | RATE                           | ADDITIONAL<br>FEE |
| TOTAL CLAIMS   | 16 -                                | 20 =                                    | 0 x                            | \$9.00                         | \$0.00            |
| INDEP. CLAIMS  | 5 -                                 | 6 =                                     | 0 x                            | \$40.00                        | \$0.00            |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/>   |                                     |   |                                |                                | \$0.00            |
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>   |                                     |   |                                |                                | <b>\$0.00</b>     |
| <input checked="" type="checkbox"/> No additional fee is required for amendment.   |                                     |   |                                |                                |                   |
| <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____<br>A duplicate copy of this sheet is enclosed.   |                                     |   |                                |                                |                   |
| <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.   |                                     |   |                                |                                |                   |
| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <b>13-0110</b><br>A duplicate copy of this sheet is enclosed.  |                                     |   |                                |                                |                   |
| <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.  |                                     |   |                                |                                |                   |
| <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.  |                                     |   |                                |                                |                   |
| <br>Signature   |                                     |   | Dated: <b>April 2, 2004</b>    |                                |                   |
| <b>David M. Sullivan, Registration No.: 51,025</b><br><b>Crowe &amp; Dunlevy, P.C.</b><br><b>20 North Broadway, Suite 1800</b><br><b>Oklahoma City, OK 73102-8273</b><br><b>Telephone: (405) 235-7700</b><br><b>Facsimile: (405) 239-6651</b>  |                                     |   |                                |                                |                   |
| <div style="border-bottom: 1px solid black; margin-bottom: 5px;">I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px; text-align: center;">Signature of Person Mailing Correspondence</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px; text-align: center;">Typed or Printed Name of Person Mailing Correspondence</div> |                                     |   |                                |                                |                   |
| cc: <b>Bio-Cide International, Inc.</b>  |                                     |   |                                |                                |                   |

EXPRESS MAIL RECEIPT NO.: EV085806735US  
DEPOSITED ON APRIL 2, 2004

PATENT  
DKT. P1043US01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **William C. Hunt & Neeraj Khanna** )  
Application No.: **09/801,023** ) Examiner: **Buechner, Patrick M.**  
Filed: **March 7, 2001** )  
For: **HYDRAULIC PROPORTIONING** ) Group Art Unit: **3754**  
**SYSTEM** )

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO SECOND ACTION  
SPECIES RESTRICTION/ELECTION  
MAILED MARCH 4, 2004**

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Sir:

This is in response to a second Office Action NOT on the merits. The action is an election/restriction requirement for an election of species for examination of the above-identified United States patent application.

**Remarks**

This response is to the Office Action mailed March 4, 2004, in which the Office places a restriction requirement under 35 U.S.C. §121 requiring the Applicants to elect a single disclosed species for prosecution on the merits to which claims shall be restricted if no generic claim is finally held to be allowable.

The Examiner has stated that the application contains claims directed to patentably distinct species of the claimed invention, namely Species I (Figures 1-5), Species II (Figure 6) and Species III (Figure 7). The Applicants provisionally elect Species I, on which generic claims